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FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER
NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	⬤	Applicant(s)
Office Action Summary	09/842,089		LEE ET AL.
	Examiner		Art Unit
	Paulos M. Natnael		2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ₃ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2003*.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-11 and 13-19* is/are rejected.
7)☒ Claim(s) *12* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   In the previous Office Action as shown on page 7, the title for the rejection of

claims 4-8, **13-17, 19** was inadvertently indicated as 35 U.S.C 102 (e). The correct title

should have been 35 U.S.C 103(a) as the rejection that followed indicated. The

Examiner regrets any confusion this might have caused the Applicant.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims **1-10** are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

In claim **1**, the claimed "wherein the OSD generation program is configured to

provide... a plurality of viewing and display processing format selections", is new matter.

In claim **4**, the claimed "a plurality of aspect ratios, and wherein the plurality of

display processing formats comprises at least NTSC and PAL" is also new matter.

If applicant contends this is not new matter, specific location in the specification,

i.e., page #, line # etc. should be provided.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims **1-8, 10, 11, and 13-19** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Bril**, U.S. Pat. No. **5,946,051** *in view of* **Suga** et al. U.S. Pat. No.

6,215,467.

Considering claim **1**, a TV having an OSD (On Screen Display) function, comprising

a) a service site server configured to provide a user OSD set menu and an OSD

generation program which corresponds to original information of a TV..., is met by the

disclosure that "Network interface 110 receives data corresponding to a network

application such as web-browsing, electronic mail in a known way. The data may be

received in one of known formats such as ASCII, HTML, VRML etc. " (col. 5, lines 50-

53; see also the Abstract) And the data received would be from some sort of a remote

computer system or a server as is well known.

b) a control unit <u>configured to receive</u> the user OSD set menu and OSD generation

program <u>form the service site server and to generate a corresponding OSD,</u> is met by

OSD controller 170, FIG. 1; (see col. 5, lines 57 through col. 6, lines 16)

c) a video processing unit <u>configured to display the OSD</u> <u>generated by the control unit</u>

on a screen, is met by the display panel interface 145 and display 150, fig.1; (see also

col.7, lines 7-20)

Except for;

d) <u>wherein the OSD generation program is configured to provide a plurality of language</u>

<u>selections and a plurality of viewing and display processing format selections;</u>

Regarding d), Bril discloses generating a composite video signals for NTSC and

Pal formats. (see col. 4, lines 35-39). Bril does not specifically disclose <u>plurality of</u>

<u>language selections,</u> which however is well known in the art.

In that regard, Suga et al. discloses a display control apparatus and

method having a plurality of different display modes, and language selection

processing. Suga teaches OSD display example in Figs. 22-24 and 29 where a

language or languages can be selected as desired by the user. Suga specifically

teaches English and Japanese languages being alternatively selected. Therefore, it

would have been obvious to the skilled in the art at the time the invention was made to

modify the system of Bril et al by providing the language selections menu of Suga et al

in order to make the system of Bril more useful for the user by giving the end-user more

choices.

Considering claim **2**, the TV having the OSD (On Screen Display) function according to claim 1, wherein the TV further comprises a storing unit for storing the original information, contact information for contacting to the service site server, and an OSD generation program corresponding to the original information, is met by Memory module 180, fig. 1; (see col. 5, lines 57 through col. 6, lines 16)

Considering claim **3**, the TV having the OSD (On Screen Display) function according to claim 1, wherein the service site server contacts to the control unit through a network interface unit, is met by Network 110, fig.1;

Considering claim **4**, wherein the plurality of viewing formats <u>comprises a plurality of aspect ratios, and wherein the plurality of display processing formats comprises at least NTSC and PAL,</u> is met by the disclosure "The set top box generates a composite video signal (e.g. in NTSC or PAL formats) representative of network application data. This composite video signal is usually displayed on the entire television screen similar to a signal received from a video camera recorder/player (VCR/VCP). (see col. 4, lines 35-40)

Considering claim **5,** wherein the user OSD set menu is configured to allow a user to select a user request language from the plurality of language selections provided by the OSD generation program and to select a user format from the plurality of viewing and display processing format selections provided by the OSD generation program.

See rejection of claims 1 (d) and 4 above.

Considering claim **6**, wherein the format comprises at least one of a display processing type format and an aspect ratio format.

Regarding claim 6, see rejection of claim 4 above

Considering claim **7**, wherein the original information comprises at least a model name or a model number of the TV.

Regarding claim 7, the combination of Bril et al and Suga et al as modified above does not specifically disclose whether the information comprises a model name or a model number of the TV. However, the Examiner takes Official Notice in that Notice in that storing information such as a model name or number received or retrieved from a remote network server in a memory is well known in the art where a model # or name would be entered on a prompt or line of a website, for example, and the desired information is retrieved from a remote server. Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Bril by providing the information of the TV model number in order for the user identify and retrieve the desired product efficiently.

Considering claim **8**, wherein the contact information comprises a URL (Uniform Resource Locator).

Regarding claim 8, the combination of Bril et al and Suga et al as modified above does not specifically disclose a URL. However, again the Examiner takes Official Notice in that using the URL to obtain information from a remote network server as indicated in the rejection of claim 7 for example is well known in the art and, therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system by providing a URL so that the user would be able to obtain the desired information easily and more reliably.

Considering claim **10**, the system according to claim 9, wherein the control unit is configured to receive and an operation order signal input by a user, to access the OSD generation program stored in the storing unit, and to generate an OSD based on the operation order signal, is met by the disclosure that the "tv system enables a user to view...as well as to access data network applications. (see abstract)

Considering claim **11**, a control method of a TV having an OSD (On Screen Display) function, comprising receiving a user OSD set menu which corresponds to original information of the TV by contacting to a service site server when an OSD set key signal is generated; receiving an OSD generation program which corresponds to a user request OSD menu; and generating a user OSD which reflects a user selected language and user selected viewing and display processing formats corresponding to an operation order signal by accessing the OSD generation program when the operation order signal is input by a user.

Regarding claim 11, claim **11** is a method claim of claim 1 and therefore, claim

11 is rejected for the same reasons as claim 1.

Considering claim **13**, the claimed wherein generating the user OSD comprises

updating a former OSD generation program with the received OSD, and generating an

OSD which corresponds to the operation order signal by using the updated OSD

generation program, is met by the disclosure "The display entities are stored in separate

portions of the memory module. Such a storage enables the individual display entities

to be modified (or defined) independently. As a result, the display of each display entity

can be modified without necessarily impacting or being impacted by display of other

display entities. For example, to achieve a scroll operation of the network application

data, only the bit map of the network application data in the memory module needs to

be updated. The display entitles are then overlayed prior to display in accordance with

the presentation." (col. 2, lines 9-17) [emphasis added]

[Note: updating a program such as a operating system, etc. by downloading from

a remote server or broadcaster is well known in the art]

Considering claim **14**, wherein the original information comprises at least a model name

or a model number of the TV.

See rejection of claim 7.

Considering claim **15**, wherein the OSD generation program comprises <u>a plurality of</u>

<u>language selections</u> and <u>a plurality of viewing an display processing format selections</u>.

    See rejection of claim 1 (d).

Considering claim **16**, wherein <u>further comprising </u>selecting a user request language

<u>from the plurality of language selections provided by the OSD generation program</u>, and

selecting a user request format <u>from a plurality of viewing an display processing format</u>

<u>selections provided by the OSD generation program.</u>

    See rejection of claim 1 (d).

Considering claim **17**, the control method of the TV having the OSD (On Screen

Display) function according to claim 16, wherein the <u>plurality of viewing an display</u>

<u>processing format selections comprises a plurality of aspect ratios, and wherein plurality</u>

<u>of viewing an display processing format selections comprises at least NTSC and PAL;</u>

    Regarding claim 17, see rejection of claim 4.

Considering claim **18**,

a) a network interface unit configured to receive an OSD generation program which

provides a user OSD set menu corresponding to original information of a

the TV, ..._from a service site server ;

a) a storing unit configured to store the original information and contact information of the service site server ;

c) a control unit <u>configured to transmit</u> the original information of the TV the service site server to store the OSD generation program corresponding to the OSD set menu selected by from a plurality of user OSD set menus stored in the storing unit, and to generate an OSD by using the OSD generation program stored in the storing unit when an operation order is input by a user ;

d) and a video processing unit configured to display the OSD generated in the control unit on a screen.

e) a <u>plurality of language selections, and plurality of viewing and display processing format selections;</u>

See rejection of claim 1;

Considering claim **19**, wherein the user OSD set menu describes OSD language information for selecting a user request language among the various OSD languages, and OSD in format information for selecting a user request format among the various OSD formats.

See rejection of claim 1(d);

Response to Arguments

6.. Applicant's arguments filed November 26, 2003 have been fully considered but they are not persuasive.

Applicant's Arguments

a) Bril teaches away from allowing a user to select from a plurality of viewing and display processing formats, as Bril specifically discloses that the television signal is transmitted and received in a known format (see column 6, lines 19-21). Thus, the display entities processed by Bril's OSD controller are clearly not viewing and display processing formats. Further, Bril's display entities are predetermined and Bril does not disclose or suggest a means whereby these entities can be altered based on user input.

b) Applicants note that the Examiner asserts Official Notice ... This Official Notice is traversed and production of a secondary reference to support such conclusions is requested.

Examiner's Response

a) Bril discloses "the tv system enables a user to view... as well as to access data network applications. (see abstract) Further Bril discloses that "The user may need to be provided the ability to select one display or the other, or to specify that each display occupy a portion of the television screen. Therefore, a television system may need to provide a user the ability to select one of television signal or the network application,

and accordingly display the selection in a pre-specified portion.   (col. 1, lines 42-48) For

example, a pointer is provided to facilitate user interface operations and text may be

used to display status messages (e.g., MUTE, VIDEO). OSD controller stores all the

display entities in the memory module, typically as a bit map. (col. 2, lines 5-8) Pointer

provides a user the ability to select/actuate various displayed portions. All of these

display entities are overlayed in accordance with the present invention to provide a

unified display on a display screen of a television system. (col. 4, lines 4-7) And so on.

Therefore, Bril clearly teaches that the data network applications can definitely be

accessed by the user, and implies that the "these entities can be altered based on user

input." Besides, the claims do NOT specifically recite that the entities are accessed so

that the user can alter the entities or parameters.   Furthermore, the claims do not recite

that the display entities are NOT predetermined. Thus, applicant is arguing something

that is not found in the claims.

b) The Examiner specifically cited a reference (Suga et al. U.S. Pat. No 6,215,467) in

the conclusion part of the office action on page 11, thusly: the prior art made of record

and not relied upon is considered pertinent to applicant's disclosure. Thus, Suga et al.

U.S. Pat. No. **6,215,467** discloses a display control apparatus and method having a

plurality of different display modes, and language selection processing. (see Figs. 22-24

and 29) And yet, applicant's representative argues that the Official Notice is traversed

and production of a secondary reference to support such conclusions is requested.

The secondary reference was and is now furnished for the benefit of the Applicant.

This argument, needless to say, is unpersuasive.

Allowable Subject Matter

7.   Claims **9** and **12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8.   The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a control method, wherein the control unit is configured to contact the service site server using the contact information, stored in the storing unit, and to store an OSD generation program which corresponds to an OSD set menu selected by a user from a plurality of user OSD set menus stored in the storing unit, as in claim 9; and, *wherein receiving the user OSD set menu comprises uploading the original information of the TV by contacting to the service site server, and receiving a user OSD set menu which corresponds to the uploaded original information, as in claim 12;*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

PAULOS M. NATNAEL
PATENT EXAMINER

PMN
February 5, 2004